

MESSAGE NO: 3186302 MESSAGE DATE: 07/05/2013

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 9028207, 0267305

MESSAGE #

(s):

CASE #(s): A-423-808

EFFECTIVE DATE: 05/29/2013 COURT CASE #: 2011-1578, 08-00434

PERIOD OF REVIEW: 05/01/2000 TO 04/30/2011

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for stainless steel plate in coils from Belgium produced and/or exported by Ugine & ALZ Belgium, N.V. POR 05/01/2000-04/30/2011 (A-423-808); court no. 08-00434)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. On 03/26/2013, the United States Court of International Trade, acting in accordance with a decision of the United States Court of Appeals for the Federal Circuit in court no. 2011-1578 dated 09/07/2012, issued a final decision in the case of ArcelorMittal Stainless Belgium N.V. v. United States (court no. 08-00434), sustaining the final scope redetermination of the Department of Commerce (Commerce) finding that stainless steel plate in coils (SSPC) with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the antidumping and countervailing duty orders on SSPC from Belgium. As a result of this final court decision, the injunction, as amended, to which message numbers 9028207 (dated 01/28/2009) and 0267305 (dated 09/24/2010) refer, dissolved on 05/29/2013.

2. In accordance with the final court decision, entries of SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, are not subject to the antidumping and countervailing duty orders on SSPC from Belgium. Liquidation instructions for this merchandise were issued in a separate message.

3. U.S. Customs and Border Protection (CBP) should now liquidate SSPC in coils with an actual thickness of 4.75 mm or above, regardless of nominal thickness, produced and/or exported by Ugine & ALZ Belgium N.V. (A-423-808-001), its predecessor-in-interest, ALZ N.V., and/or its successors-in-interest, ArcelorMittal Stainless Belgium N.V. (AMS Belgium) (A-423-808-002), and/or Aperam Stainless Belgium N.V. (Aperam) (A-423-808-003), as appropriate, that was entered, or withdrawn from warehouse, for consumption during the period 05/01/2000 through 04/30/2011 in accordance with the relevant message or messages identified below:

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2297203	October 24, 2002
2322203	November 18, 2002
3043202	February 12, 2003
3226203	August 14, 2003
3300204	October 27, 2003
4083201	March 23, 2004
4233202	August 20, 2004
5179203	June 28, 2005
5182203	July 1, 2005
5199201	July 18, 2005
5362206	December 28, 2005
6010201	January 10, 2006
6268201	September 25, 2006
8039208	February 8, 2008
8053205	February 22, 2008
8185203	July 3, 2008
8365209	December 30, 2008
9014203	January 14, 2009
9195217	July 14, 2009
0200304	July 19, 2010
0214306	August 2, 2010
0291310	October 18, 2010
0313307	November 9, 2010
3002302	January 2, 2013

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of stainless steel plate in coils from Belgium, CBP shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

5. There are no injunctions applicable to the entries covered by this instruction.

6. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping/countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the

date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

7. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the manufacturer, producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping duties and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

8. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O8: JT).

9. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party